

**REMARKS**

Reconsideration of the application is respectfully requested.

Claims 1-32 and 37-39 are in the application. Through this amendment, claims 1 and 15 have been amended, and claims 33 and 34 have been cancelled. Claims 3-7, 10, 13, 17-21, 25-27, 29 and 30 presently stand withdrawn in view of a previous election.

In the Final Office Action of January 15, 2009, claims 1, 2, 8, 9, 11, 12, 14-16, 22-24, 28, 31-34 and 37-38 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Adams (U.S. Patent No. 2,585,527). These same claims were also rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Wallace et al. (U.S. Design Patent No. 457,954) in view of Rowekamp (U.S. Patent No. 4,535,906). In a Decision issued by the Board of Patent Appeals and Interferences mailed on August 5, 2011, the rejection over Adams under 35 U.S.C. §102(b) was affirmed, while the rejection over the combination of Wallace et al. and Rowekamp under 35 U.S.C. §103(a) was reversed. Accordingly, this response addresses Adams in view of the amendments presented herein.

Claim 1 has been amended to indicate that the tip cap “defines a continuous sealing surface which spans the tip of the syringe and is solid throughout so as to continuously seal the tip of the syringe”. As shown in Figs. 4a and 4b of Applicants’ original specification, the tip cap includes a solid and continuous surface which spans across the tip of an accommodated syringe with no liquid passage therethrough.

Adams is directed to a slitted resilient closure for containers. (Title of Adams). Adams requires the closure to include a slit, which can be opened or closed, to allow for dispensing material. (Col. 2, ll. 6-9 of Adams). The closure includes a cap 13 formed of a resilient, distortable material with an incision present that defines the slit. (Col. 2, ll. 32-35 of Adams). As described at col. 3, ll. 5-36, the Adams' closure is configured such that rotation thereof results in the opening of the slit, as shown in Figs. 6 and 7. Thus, the Adams' closure is not solid and does not provide a continuous seal. The seal is dependent on the rotational position of the closure on the accommodated container. In contrast, as indicated above, the invention of claim 1 provides a continuous and solid sealing surface which continuously seals the tip of a syringe. Positional adjustment of the tip cap does not break or change this continuous sealing effect.

With reference to claim 15, claim 15 has been amended to indicate that the syringe includes "a barrel with an open proximal end and an opposed distal end with a cylindrical wall extending therebetween, and a tip formed at said distal end". Adams only shows a closed tube and does not disclose this claimed structure. Moreover, there is no basis to modify Adams to provide an open barrel structure, as set forth in the claims. As discussed above, the Adams closure opens depending on its rotational position. A closure which opens cannot be used to seal medicament in a syringe having a barrel with an open proximal end and a distal end with a tip formed thereat, as is provided for syringes useable for medical injections. There is no basis to modify Adams to avoid using the slitted structure, since the slitted structure is central to Adams. It is respectfully submitted that claims 1 and 15, along with depending claims 2, 8, 9, 11, 12, 14, 16, 22-24, 28, 31, 32 and 37-39, are patentable over Adams.

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Favorable action is earnestly solicited. If there are any questions, or if additional information is required, the Examiner is respectfully requested to contact Applicants' attorney at the number listed below.

Respectfully submitted,

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